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Office Supreme Court U. S.
FILED
AUG 13 1906
JAMES H. MCKENNEY
Clerk

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1906.

No. 286

CITY OF CHICAGO,
Appellant,

vs.

D. O. MILLS and PEOPLES GAS LIGHT AND COKE COMPANY,
Appellees.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

Motion to Advance and Set Down for Hearing.

JAMES HAMILTON LEWIS,
Corporation Counsel.

HENRY M. ASHTON AND
DAVID K. TONE,
Special Counsel.

GEO. HORNSTEIN CO., PRINTERS, CHICAGO

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1906.

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CITY OF CHICAGO,
Appellant,

vs.

D. O. MILLS and PEOPLES GAS LIGHT AND COKE COMPANY,
Appellees.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

Motion to Advance and Set Down for Hearing.

And now comes the City of Chicago, appellant in this cause, and moves the court that this cause be taken up out of its order upon the docket of this court and be advanced and set down for hearing on some particular day of this term, to be fixed by this court.

In support of said motion the said City of Chicago begs leave to submit to the court the following reasons:

First:—It appears from the record in this cause that the only question in issue in this cause is the question of the jurisdiction of the court below, and therefore, under Rule 32 of this court, this cause should be advanced on motion, and heard under the rules prescribed

by Rule 6 in regard to motions to dismiss writs of error and appeals.

Second:—It appears from the record in this cause that the City of Chicago was enjoined by the court below from enforcing an ordinance of the City of Chicago, fixing the price of gas to the inhabitants of the City of Chicago at the sum of seventy-five cents per thousand cubic feet; that said ordinance affects three hundred and fifty thousand consumers of gas within the City of Chicago and is a matter of vast public interest that should be speedily disposed of.

Third:—It appears from the record in this cause that one of the appellees in this cause, the Peoples Gas Light and Coke Company, has, from January 2, 1900, up to February 15, 1906. been collecting from consumers of gas within the City of Chicago the sum of one dollar per thousand cubic feet, in violation of the terms of said ordinance, and that the amount due to said consumers of gas, if said ordinance should be held valid, now amounts to over twelve million dollars, and that no bond or security of any kind has been given by the said company that is at all adequate or sufficient to protect said consumers in the event that said ordinance should be sustained.

CITY OF CHICAGO,
By JAMES HAMILTON LEWIS,
Its Corporation Counsel.
HENRY M. ASHTON and
DAVID K. TONE,
Its Special Counsel.

FILE COPY.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1900

No. 1000

[illegible]

vs.

[illegible]

[illegible] OFFICE AND PRODUCER GAS LIGHT AND POWER COMPANY,

Appellee.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

NOTICE OF MOTION TO ADVANCE AND SET DOWN FOR HEARING

JAMES HAMILTON LEWIS,

Solicitor for Appellee.

HENRY W. ARNOLD,

DAVID E. BONE,

Of Counsel.

Rule Supreme Court
FILED
OCT 9 1900
[illegible]

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1906.

No. 286

CITY OF CHICAGO,
Appellant,

vs.

D. O. MILLS and PEOPLES GAS LIGHT AND COKE COMPANY,
Appellees.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

NOTICE OF MOTION TO ADVANCE AND SET DOWN FOR HEARING.

To:

Guthrie, Cravath & Henderson,
and
Herrick, Allen, Boyeson & Martin,
Solicitors for D. O. Mills.

Sears, Meagher & Whitney,
Solicitors for Peoples Gas Light and Coke Co.

Please take notice that on Tuesday, the 9th day of October, A. D. 1906, we shall appear before the Supreme Court of the United States in the City of Washington, D. C., at the opening of court on

said day, or as soon thereafter as counsel can be heard, and move that the above entitled cause be taken up out of its order upon the docket of said court and advanced and set down for hearing upon some particular day of this term of said court, to be fixed by said court.

A copy of said motion, embodying the reasons in support thereof, is herewith handed you, which will be filed with the clerk of said court and used in lieu of a copy of a motion heretofore served upon you, to be heard on the same day.

JAMES HAMILTON LEWIS,
Corporation Counsel for
City of Chicago.

HENRY M. ASHTON and
DAVID K. TONE,
Solicitors for City of Chicago.

Received a copy of the above notice and of said motion this ..... day of October, A. D. 1906.

FILE COPY.

Office Supreme Court U
FILED
OCT 9 190
JAMES H. McKENNEY

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1906.

No. 286

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Appellant,

vs.

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Appellees.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

Motion to Advance and Set Down for Hearing.

JAMES HAMILTON LEWIS,
Corporation Counsel.

HENRY M. ASHTON AND
DAVID K. TONE,
Special Counsel.

Geo. Hornstein Co., Printer, Chicago.

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1906.

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Motion to Advance and Set Down for Hearing.

And now comes the City of Chicago, appellant in this cause, and moves the court that this cause be taken up out of its order upon the docket of this court and be advanced and set down for hearing on some particular day of this term, to be fixed by this court.

In support of said motion the said City of Chicago begs leave to submit to the court the following reasons:

First:—It appears from the records in this cause that the only question in issue in this cause is the question of the jurisdiction of the court below and

therefore, under Rule 32 of this court, this cause should be advanced on motion and heard under the rules prescribed by Rule 6 in regard to motions to dismiss writs of error and appeals. The order of the Circuit Court allowing the appeal in this cause was as follows (Transcript, 392):

> "It is hereby ordered that an appeal be and the same is hereby granted to the said City of Chicago in this cause, to the Supreme Court of the United States, solely upon the question of the jurisdiction of this court, sitting as a Circuit Court of the United States, to hear and determine this cause between the parties to the bill as presented therein."

The petition for an appeal (Transcript, 389) and the assignment of errors (Transcript, 390-392) related exclusively to the question of the jurisdiction of the court below.

Second:—It appears from the record in this cause that the City of Chicago was enjoined by the court below from enforcing an ordinance of the City of Chicago fixing the price of gas to inhabitants of the City of Chicago at the sum of seventy-five cents per thousand cubic feet (Transcript, 387-388); that said ordinance affects 300,000 consumers of gas within the City of Chicago (Transcript, 81 and 224), and is a matter of vast public interest and should be speedily disposed of.

Third:—It appears from the record in this cause that one of the appellees in this cause, the Peoples Gas Light and Coke Company, has, from January 2, 1900, up to February 15, 1906, been collecting from consumers of gas within the City of Chicago the sum of one dollar per thousand cubic feet in

violation of the terms of said ordinance, and that the amount due to said consumers of gas, if said ordinance should be held valid, now amounts to over twelve million dollars, and that no bond or security of any kind has been given by the said company that is at all adequate or sufficient to protect said consumers in the event that said ordinance should be sustained.

The above facts are fully set forth in the affidavit of Henry M. Ashton (Transcript, 108 to 111, inclusive).

CITY OF CHICAGO,

By JAMES HAMILTON LEWIS,
Its Corporation Counsel.

HENRY M. ASHTON and
DAVID K. TONE,
Its Special Counsel.